



JUDICIAL STANDARDS COMMISSION  
STATE OF NORTH CAROLINA

**FORMAL ADVISORY OPINION: 2009-08**

December 11, 2009

**QUESTION:**

May a judge accept the gift of a portrait of the judge from a local county bar association to recognize the judge's service following the judge's retirement? Following the judge's retirement, the judge accepted a commission and serves as an emergency judge. The county bar association is not a party in any matter pending before the court.

**COMMISSION CONCLUSION:**

The Judicial Standards Commission determined the judge may accept the gift of a portrait of the judge on the occasion of the judge's retirement. In the event the value of the portrait exceeds \$500, the judge should report the gift as per Canons 5C(4)(c) and 6C of the Code of Judicial Conduct.

**DISCUSSION:**

The Code authorizes judges to accept gifts under circumstances where the gift is "incident to a public testimonial to the judge" (Canon 5C(4)(a)), "a wedding, engagement or other special occasion gift" (Canon 5C(4)(b)), and "any other gift only if the donor is not a party presently before the judge and, if its value exceeds \$500, the judge reports it in the same manner as the judge reports compensation in Canon 6C" (Canon 5C(4)(c)). The gift of a portrait from a local bar association falls within each of the three Code provisions cited.

Reference:

North Carolina Code of Judicial Conduct  
Canon 5C(4)(a)  
Canon 5C(4)(b)  
Canon 5C(4)(c)